

DATE: February 26, 2004

TO: Region Engineers
Region Delivery Engineers
TSC Managers
Resident/Project Engineers
Region Construction Engineers

FROM: Larry E. Tibbits
Chief Operations Officer

John C. Friend
Engineer of Delivery

SUBJECT: Bureau of Highway Instructional Memorandum 2004-10
Illicit Discharge Elimination Program Procedure

Environmental contamination that migrates into the Michigan Department of Transportation's (MDOT's) storm sewer system may affect MDOT's statewide National Pollutant Discharge Elimination System storm water discharge permit. MDOT can be cited for violations even though MDOT is not responsible for causing the contamination. The purpose of this memorandum is to provide direction when a possible illicit discharge/connection to MDOT's storm sewer system is encountered during the construction phase of a project.

When an apparent illicit discharge/connection is discovered during the construction phase of a project, the contractor should notify the engineer or MDOT staff on site of the discovery. MDOT construction staff, with assistance as needed from the region resource specialist and permit agent, will determine whether there appears to be an illicit discharge/connection present and if it poses a potential emergency situation. If the discharge is determined to be an emergency, MDOT field staff will contact the Pollution Emergency Alert System at 1-800-292-4706 to notify the Michigan Department of Environmental Quality (MDEQ) of the emergency. The MDOT field staff will attempt to make direct contact with appropriate MDEQ staff to report the emergency.

If no emergency situation exists and an illicit discharge/connection appears to exist, MDOT staff will attempt to identify the party responsible for the illicit discharge/connection and seek removal through direct contact with that party. If MDOT staff cannot determine if an illicit discharge/connection exists or cannot identify the party responsible in a period of time sufficiently brief so as to not unduly delay necessary construction activities, the location of the illicit discharge/connection will be noted and reported to the region storm water coordinator for

follow up in accordance with MDOT's Illicit Discharge Elimination Program procedure, as detailed in Section 9.13 of the Real Estate Support Area *Construction Permit Manual*.

Chief Operations Officer

Engineer of Delivery

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